



Christine A. Amalfe
Director

Gibbons P.C.
One Pennsylvania Plaza
45th Floor, Suite 4515
New York, NY 10119
Direct: 973-596-4829 Fax: +1 973-639-6230
camalfe@gibbonslaw.com

September 20, 2024

LETTER-MOTION (FILED ON ECF)

Honorable Robyn F. Tarnofsky
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street, Room 703
New York, NY 10007

The motion to seal the transcript is granted temporarily, pending a decision on the motion to seal the operative complaint pending before Judge Clarke.

Date: 09/23/2024
New York, NY

SO ORDERED



ROBYN F. TARNOFSKY
UNITED STATES MAGISTRATE JUDGE

**Re: *Parker v. Bursor, 24-cv-245 (JGLC) (RFT)*
Letter-Motion to File Transcript of September 9, 2024 Hearing
Under Seal**

Dear Magistrate Judge Tarnofsky:

This Firm, along with Judd Burstein, P.C., represents Defendants Scott Bursor and Bursor & Fisher, P.A. (collectively, “Defendants”) in the above-referenced matter. We submit this letter-motion pursuant to paragraphs I(D) and III(E) of Your Honor’s Individual Practices in Civil Cases to request that the transcript of the hearing that was held on September 9, 2024 (the “September 9 Transcript”) be filed under seal, and that access to the September 9 Transcript be restricted to the parties (and their counsel), subject to reconsideration upon Judge Clarke’s decision on Defendants’ pending renewed motion to seal and to dismiss and strike the operative Complaint (Defendants’ “Motion to Seal and Dismiss”).

By way of background, on January 24, 2024, Your Honor issued a Corrected Report and Recommendation and Opinion and Order directing that if Plaintiff files her complaint before Judge Clarke issues an order addressing Defendants’ motion for a TRO and preliminary injunction to seal the anticipated complaint, that complaint shall be held under seal by the Clerk of the Court until Judge Clarke issues an order on the motion. *See* ECF No. 25. On March 22, 2024, pursuant to Your Honor’s January 24, 2024 Order, Plaintiff filed her Complaint under seal. *See* ECF No. 53-1 (sealed). Thereafter, Judge Clarke issued multiple orders directing that submissions referencing details of the Complaint should be filed under seal pending Judge Clarke’s decision on Defendants’ pending Motion to Seal and Dismiss the Complaint (and their Objections to the Report & Recommendation). (*See* ECF Nos. 64, 74, 77; *see also* ECF No. 95.)

On August 30, 2024, Defendants filed a letter-motion, following a meet and confer with Plaintiff, requesting a conference or other appropriate relief (ECF No. 141) with respect to certain disputed objections and documents withheld by Plaintiff Angelica Parker (“Parker”) in response to Defendants’ First Set of Requests for Production of Documents (“Requests”) served on June 21, 2024, which the Court granted (ECF No. 142).

On September 9, 2024, Your Honor held a telephonic hearing on this issue and agreed with Defendants that Plaintiff had improperly redacted or withheld the production of documents

GIBBONS P.C.

Honorable Robyn F. Tarnofsky, U.S.M.J.
September 20, 2024
Page 2

relevant to Defendants' defenses. During the hearing, numerous references were made to allegations in the sealed Complaint and related facts and allegations. On September 13, 2024, the Court issued a notice to the parties that an official transcript of the September 9, 2024 was going to be filed on the docket, and the parties had seven (7) calendar days to file a Notice of Intent to Request Redaction. (ECF No. 154.)

In anticipation of the filing of the September 9 Transcript, and in light of Judge Clarke's orders temporarily sealing the Complaint pending her decision on Defendants' Motion to Seal and Dismiss the Complaint, Defendants respectfully request that the Court order that the September 9 Transcript be filed under seal temporarily, and that access to the transcript, via ECF or otherwise, be provided only to the parties (and their counsel), subject to reconsideration upon Judge Clarke's decision on Defendants' pending Motion to Seal and Dismiss the Complaint.

We thank the Court for its consideration of this request.

Respectfully submitted,

/s/ Christine A. Amalfe

Christine A. Amalfe

cc: All counsel of record (via ECF)